

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LOMA DELI GROCERY CORP. and KEVIN RODRIGUEZ,

Plaintiffs,

-V-

UNITED STATES OF AMERICA,

Defendant.

20-CV-7236 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

The Court is in receipt of the parties' February 8, 2021 joint letter outlining their respective positions on whether any discovery is necessary prior to Defendant's anticipated motion for summary judgment. (Dkt. 46.) It is hereby ORDERED that Defendant may proceed in filing a pre-discovery motion for summary judgment. Defendant shall file its motion papers by February 24, 2021. Plaintiffs shall file their opposition, which may include an affidavit or declaration pursuant to Rule 56(d) of the Federal Rules of Civil Procedure, by March 10, 2021. Defendant shall file its reply, if any, by March 17, 2021.

In light of Defendant's forthcoming motion for summary judgment, the Court will not enter a Case Management Plan and Scheduling Order at this time.

SO ORDERED.

Dated: February 10, 2021  
New York, New York

*Ther. C.*

JOHN P. CRONAN  
United States District Judge